

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY BESS, JR.,

Plaintiff,

No. CIV S-03-2498 GEB DAD P

vs.

EDWARD ALAMEIDA, JR., et al.,

Defendants.

ORDER REQUIRING

STATUS REPORT

On June 15, 2005, the court ordered all parties to file status reports. The order was vacated on July 27, 2005, pending disposition of the motion for summary judgment filed by defendants on July 13, 2005. The court subsequently stayed discovery pending adjudication of defendants' motion. On March 22, 2006, the motion was denied, and the stay of discovery ended. Plaintiff and defendants shall now file and serve a status report that covers the following matters:

1. Whether additional discovery is deemed necessary and, if so, the nature and scope of the discovery and the time needed in which to complete it;

2. Whether a pretrial motion is contemplated and, if so, the type of motion and the time needed to file the motion and complete the time schedule set forth in Local Rule 78-230(m);

1 3. A narrative statement of the facts that will be offered by oral or documentary
2 evidence at trial;

3 4. A list of exhibits to be offered into evidence at the trial of the case;

4 5. A list of the names and addresses of the witnesses the party intends to call;

5 6. A summary of the anticipated testimony of any incarcerated witnesses;

6 7. The time estimated for trial

7 8. Whether a jury trial is still requested; and

8 9. Any other matter, not covered above, which the party desires to call to the
9 attention of the court.

10 Defendants have recently requested leave to file a second motion for summary
11 judgment. As noted by the district judge in his order filed March 22, 2006, the court has not yet
12 set a deadline for pretrial motion practice. Defendants' request is therefore unnecessary.

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. Plaintiff's status report shall be filed and served within **thirty** days after this
15 order is signed. Defendants' status report shall be filed and served within **fifteen** days after
16 plaintiff's status report is filed. No extension of time will be granted for the filing of a status
17 report. A party's failure to file a status report in accordance with this order may result in the
18 imposition of sanctions, including dismissal of the action or preclusion of issues or witnesses.

19 2. Defendants' April 7, 2006 request for leave to file a new motion for summary
20 judgment is denied as unnecessary.

21 DATED: April 13, 2006.

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24 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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